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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3673

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DATE MAILED: 03/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/820,834

Applicant(s)
Lapointe et al.

Examiner
Michael Safavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 30, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 10-16, 19, and 20 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 8, 9, 17, and 18 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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Drawings

The specification appears to describe a socket member 28 inserted within a sleeve 26 with a post segment 20 attached to the sleeve 26 in abutting relationship via a connector 24 with the connector 24 being inserted within the socket member 28. However, Figure 2 of the instant drawings appears to show the socket member 28 inserted within a member 42 which member 42 appears to possess the trailing end 36 of the socket member 28, (see specification), while the post segment 20 appears to be one and the same with the member 42. And, trailing ends 30 and 34 of the sleeve and socket member do not appear flush in Fig. 2. Correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 5, 7, 10, 11, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. Hall et al. shows, Figs. 2, 3 and 5, footing comprised of outer sleeve 12, socket member 17 press fitted therein, with elongated post segment 20, and connector 18 inserted

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into the elongated post segment and the socket member for joining the post segment to the footing. Outer sleeve is flattened as can be seen at tip thereof for easy insertion into the ground. Stabilizer 27 is removably fitted over the outer sleeve.

3. Claims 1, 2, 5, 10, 11, 14, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Brownell. Brownell shows, Figs. 1, 4 and 5, footing comprised of outer sleeve 22, socket member 22a press fitted therein, with elongated post segment, (tubular swing leg), and connector 16 inserted into the elongated post segment and the socket member, (as by way of opening 15), for joining the post segment to the footing. Outer sleeve is flattened as can be seen at tip thereof for easy insertion into the ground. Footing is inserted into the ground with socket member 22a attached to outer sleeve 22.

4. Claims 10, 11, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Aberle. Aberle shows, Figs. 1 and 2, footing comprised of outer sleeve 30, socket member 12 press fitted therein, with elongated post segment 16 and connector 58 axially inserted into the socket member with above ground post segment thereover. Footing is inserted into the ground with socket member 22a attached to outer sleeve 22.

5. Claims 10, 11, 12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Odle. Odle shows, Figs. 1, 13, and 14, footing comprised of outer sleeve 12a, socket

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member 120 press fitted therein. An upper end of the socket member 120 being leveled with a trailing end of the outer sleeve 12a. Stabilizer 14 is removably fitted over the outer sleeve.

6. Claims 10, 11, 12, 14, and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Krinner Krinner shows, Fig. 7, footing comprised of outer sleeve 6, socket member 16/18 press fitted therein. An upper end of the socket member 16/18 being leveled with a trailing end of the outer sleeve 6. Outer sleeve is flattened as can be seen at tip 12 for easy insertion into the ground. Footing is inserted into the ground with socket member 22a attached to outer sleeve 22.

7. Claims 10, 11, 14, 15, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Connors. Connors shows, Figs. 1 and 2, footing comprised of outer sleeve ½, socket member 8 press fitted therein. Outer sleeve is flattened as can be seen at tip thereof for easy insertion into the ground. Stabilizer 20 is removably fitted over the outer sleeve. Footing is inserted into the ground with socket member 8 attached to outer sleeve ½. Outer sleeve ½ can be seen as having a square cross section with the socket 8 possessing an elliptical cross section.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al.

To have formed the Hall et al. components 12 or 17 of a galvanized or non-galvanized material, thus utilizing any and all advantages of using such well known material and metals including interchangeability of types of materials or parts, would have constituted an obvious expedient to one of ordinary skill in the art.

10. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownell.

To have formed the Brownell components 22 or 22a of a galvanized or non-galvanized material, thus utilizing any and all advantages of using such well known material and metals including interchangeability of types of materials or parts, would have constituted an obvious expedient to one of ordinary skill in the art.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aberle.

To have formed the Aberle components 30 or 12 of a galvanized or non-galvanized material, thus utilizing any and all advantages of using such well known material and metals including interchangeability of types of materials or parts, would have constituted an obvious expedient to one of ordinary skill in the art.


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12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connors.

To have formed the Connors components $\frac{1}{2}$ or 8 of a galvanized or non-galvanized material, thus utilizing any and all advantages of using such well known material and metals including interchangeability of types of materials or parts, would have constituted an obvious expedient to one of ordinary skill in the art.

13. Claims 3, 6, 8, 9, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2168.



**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**

M. Safavi
March 14, 2002